

DAVID K. BERTAN

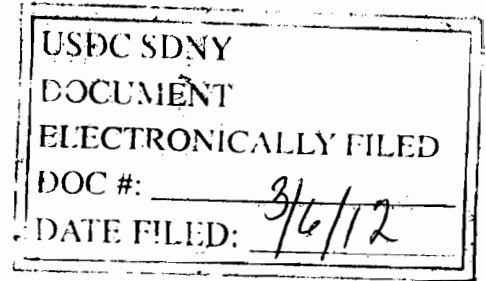
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March 5, 2012

Via Fax (212) 805-6382

Hon. Victor Marrero, United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312Re: USA v. Richard Gutkowski
Docket No. S1 11 CR 614 (VM)

Dear Judge Marrero:

I am writing to request that my client be excused from appearing at the next court conference, currently scheduled for Friday, March 16, 2012 at 2:00 PM. The reason for this request is that my client recently started work at Tuscan/Beyer Farms, a local dairy in Jamaica, New York, as a driver on the night shift, and is on probation as a new employee for 30 days. If he is late, or misses work during that initial probationary period, he will be fired immediately. Mr. Gutkowski will finish work that Friday morning at approximately 7 AM, and has to be back at work later that afternoon. Given the travel time from work to his home, to court and then to work, it is unlikely he will be able to sleep that day if he has to be present at the court conference at 2 PM. Additionally, as a new employee, Mr. Gutkowski is subject to random shift changes and can be assigned from the night shift to the day shift virtually without notice. Again, due to the fact that he is on probation at this new job, he cannot ask for time off to attend the court conference.

Given that Mr. Gutkowski has been seeking work for months, this job is very important to him and his family. Accordingly, I am requesting that he be excused from appearing at the conference. Mr. Gutkowski is being monitored by Pre-Trial Services: his attendance thus far has been without incident. I spoke with AUSA Daniel Chung and he consents to this request.

Hon. Victor Marrero, United States District Judge
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Thank you for your consideration in this matter.

Very truly yours,

David K. Bertan

DKB

cc: AUSA Daniel Chung (via e-mail)

Request GRANTED. Defendant	
Richard Gutkowski is excused	
from personal appearance	
at the conference with the	
Court scheduled for	
3-16-12	
SO ORDERED:	
3-6-12	
DATE	VICTOR MARRERO, U.S.D.J.